

AGENDA
Regular Session of the City Council of the City of Saint Charles, Missouri
Council Chambers - 4th floor - City Hall - 200 North Second Street
Tuesday, May 3, 2011
7:00 P.M.

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. PUBLIC HEARINGS/ADMINISTRATIVE HEARINGS

- A. Case No. CU-06-11. (St. Charles Engineering & Surveying – Humane Society). An application for a Conditional Use Permit from §156.032(C)(1)(i) for Pet Adoption Centers within the C-1 Neighborhood Business District, specifically to permit a new 3,686 sq. ft. structure at 1099 Pralle Lane. The subject property is 4.52 acres and is located in Ward 3. ***(RCA Attached)***
- B. Case No. CU-10-11. (Big St. Charles Motorsports). An application for a Conditional Use Permit from §156.034(C)(1)(a) for a stand-alone parking lot within the C-3 Highway Business District, specifically to redevelop the former Golf Discount property for use as a parking lot at 3820 West Clay Street. The subject property is 0.795 acres and is located in Ward 6. ***(Tabled to the May 23, 2011, Planning & Zoning Meeting; therefore the Public Hearing should be tabled to the June 7, 2011, Regular City Council Meeting) (RCA Attached)***
- C. Case No. CU-11-11. (Taylor Patrick Ash). An application for a Conditional Use Permit for temporary retail sales, specifically to operate a food and beverage vending pushcart on the east side of the right-of-way plaza at North Main Street and Washington Street. The subject area is zoned CBD Central Business District within the HDD Historic Downtown District and is located in Ward 1. ***(RCA Attached)***
- D. Case No. Z-05-11. (The Desco Group, Inc.). An application to rezone 31.535 acres of land generally bordered by First Capitol Drive to the north, Boone Avenue to the east, and Wilmes Avenue to the south from the R-1E Single-Family Residential District, R-3A Multiple Family Residential District, C-2 General Business District and C-3 Highway Business District to the R-2 Two-Family Residential District. This rezoning request does not include the properties at 2130 First Capitol Drive, 723 Spring Avenue and 1611 Wilmes Avenue. (Ward 2) ***(Council Bill 10496)***
- E. Case No. Z-06-11. (The Desco Group, Inc.). An application to rezone 31.535 of land generally bordered by First Capitol Drive to the north, Boone Avenue to the east, and Wilmes Avenue to the south from the R-2 Two-Family Residential District to the PD-MU Planned Development-Mixed Use District. This rezoning request does not include the properties at 2130 First Capitol Drive, 723 Spring Avenue and 1611 Wilmes Avenue. In conjunction with the rezoning, the City Council will consider a preliminary development plan for the property. The preliminary development plan proposes the construction of approximately seven (7) buildings built in phases that include mixed retail and restaurant, a post office,

hotel and student housing. Associated parking, drive aisles and landscaping are also depicted in the plan. (Ward 2) (***Council Bill 10497***)

- F. Case No. DR-05-11. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.765 Sign Regulations for SMPD, HDD, FHD, LMPD and EHD Superimposed Districts relative to pole signs in the SMPD South Main Preservation District. (***Council Bill 10495***)
- G. Case No. DR-06-11. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.742 Standards for Location and Spacing, Area and Height relative to the maximum height of billboards. (***Council Bill 10494***)
- H. Case No. DR-07-11. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.085 Animals to eliminate a provision allowing occupants of dwellings to keep chickens for personal use. (***Withdrawn by Applicant***) (***RCA Attached***)
- I. Case No. DR-08-11. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.115 General Provisions to require surfaces used for the parking of motor vehicles to be connected to a street or alley by a paved driveway. (***Council Bill 10493***)
- J. Case No. DR-09-11. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.107 Parking and Storage of Boats, Trailers, Camper Shells, and Recreational Vehicles on Residential Property and City Streets relative to parking surfaces. (***Council Bill 10492***)

4. AWARDS/PROCLAMATIONS/ PRESENTATIONS

- A. Proclamation Proclaiming May 1 Through 7, 2011, as “Local Government Week” in the City of St. Charles
- B. Proclamation Proclaiming May 1 Through 7, 2011, as “Municipal Clerks Week” in the City of St. Charles
- C. Proclamation Proclaiming May 24, 2011, as “Special Olympics Torch Run Day” in the City of St. Charles
- D. Proclamation Proclaiming May 1 Through 8, 2011, as “ National Music Week” in the City of St. Charles

5. PUBLIC COMMENT

- A. Reading of Written Petitions, Memorials and Remonstrances
- B. Public Comment Relative to Agenda Items
- C. Public Comment Relative to City Issues

NOTE: To address the Council, please complete a speaker card and present to the City Clerk prior to the meeting.

6. RESOLUTIONS

A Resolution Dedicating Real Property Formerly Known as the Missouri Mobile Home

Estates and Certain Neighboring Property to the City of St. Charles Parks and Recreation Board for its Development, Care and Maintenance as a City Park (*Sponsors: Laurie Feldman, Bridget Ohmes, & Mary Ann Ohms*)

7. **BILLS FOR FINAL PASSAGE**

Bill 10476

An Ordinance Authorizing a Trail Access License Agreement Between the City of St. Charles and the Missouri Department of Natural Resources Granting the City a License to Construct, Use, Maintain, Repair and Develop a Pedestrian/Bicycle Ingress and Egress to Adjacent City Property (Eco Park) and Connecting City's Property to the Katy Trail State Park (*Sponsors: Laurie Feldman, Bridget Ohmes and Mary Ann Ohms*)

Bill 10477 (*Hold Pending Planning & Zoning Meeting Scheduled for May 23, 2011*)

An Ordinance Amending Chapter 156 of the Code of Ordinances by Amending Sections 156.030, 156.032, 156.033, 156.034, 156.035 and 156.036 Pertaining to Green Point Rating System and Residential Setbacks (*Sponsor: Bob Kneemiller*)

Bill 10478

An Ordinance Amending the Development Agreement for Fountainview, the Multi-Family Residential Portion of the Mixed Use Development Known as Brighton Park (*Sponsor: Jerry Reese*)

Bill 10479

An Ordinance Amending Ordinance No. 11-81 by Revising Exhibit A, the List of Persons Authorized for Use of Account and "Specimen Signatures," to Delete Patricia York and Insert Sally Faith (*Sponsor: Michael Klinghammer*)

Bill 10480

An Ordinance Repealing Ordinances No. 11-80, 10-268 and 09-67 and Enacting a New Ordinance: (1) Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks; (2) Designating Enterprise Bank & Trust a Depository of the City of St. Charles, Missouri, Authorizing the Establishment of a Joint Bank Account Titled "The City of St. Charles, Missouri and St. Charles County Convention and Sports Facilities Authority" at Enterprise Bank & Trust, and Designating Persons Authorized to Initiate Wire Transfers or Sign Checks on Behalf of the City; and (3) Establishing Accounts with New Frontier Bank for Convention Center Operations and Designating Persons Authorized to Sign Checks for the Purpose of Revising the Authorized Persons (*Sponsor: Michael Klinghammer*)

Bill 10481

An Ordinance Authorizing Acceptance of Water Main Improvements, Storm Sewer and Sanitary Sewer Utilities, Streets, Streetlights and Their Appurtenances for a Portion of the Orchard Farm Elementary School Plat as Part of the Discovery Elementary School, and Authorizing Release of Security Related Thereto (*Sponsor: Michael Klinghammer*)

Bill 10482

An Ordinance Authorizing an Affiliation Agreement Between Abbott Ambulance, Inc.

d/b/a IHM Academy of EMS and the City of St. Charles to Provide an Internship Learning Experience Through the Application of Knowledge and Skills in a Pre-Hospital Emergency Medical Services Ground Ambulance Facility for EMS Students of the St. Charles City Fire Department (*Sponsor: Michael Klinghammer*)

Bill 10483

An Ordinance Ratifying the 2011 Department Director Salary Percentage Increase; and Providing for an Effective Date (*Sponsor: Michael Klinghammer*)

Bill 10484 (Amended)

An Ordinance Suspending the Prohibition Against Drinking Alcoholic Beverages in Public Places at the Location and During the Hours of Operation of the 2011 Events of Hot Summer Nights and the Mosaics Festival (*Sponsor: Bob Kneemiller*)

Bill 10485

An Ordinance Finding and Declaring that the Acquisition of Land, Right-of-Way or Easements for the Riverside Drive Sidewalk Project is Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land (*Sponsor: Michael Klinghammer*)

Bill 10486

An Ordinance Finding and Declaring that the Acquisition of Land, Right-of-Way or Easements for the Friedens Road and Arena Parkway Water and Sewer Relocation Project is Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land (*Sponsors: Laurie Feldman and Michael Klinghammer*)

Bill 10487

An Ordinance Authorizing a Right of Way Encroachment License with Mark IV Cleaners, LLC for the Construction and Maintenance of Groundwater Monitoring Wells on the Right of Way Located at or Near 1025 First Capitol Drive (*Sponsor: Michael Klinghammer*)

Bill 10488

An Ordinance Authorizing a Contract with Midwest Mudjacking & Construction Company, Inc. for the Monroe Street Reconstruction Project, Second Street to Main Street, in an Amount Not to Exceed \$172,241.51 (*Sponsor: Mary Ann Ohms*)

Bill 10489

An Ordinance Authorizing an Interlocal Contract for Cooperative Purchasing Between Houston-Galveston Area Council (hereinafter, "H-GAC") and the City of St. Charles to Facilitate the Purchase of Public Safety Goods and Services (*Sponsor: Michael Klinghammer*)

8. **BILLS FOR INTRODUCTION**

Bill 10490

An Ordinance Authorizing an Intergovernmental Cooperation Agreement By and Between the City of St. Peters, Missouri and the City of St. Charles, Missouri for the Hackmann Road – McClay Road Improvement Project (*Sponsor: Michael Weller*)

Bill 10491

An Ordinance Amending Chapter 115 of the Code of Ordinances by Amending Sections 115.01, 115.02, 115.05, 115.07, 115.08, 115.09, 115.10, 115.20, 115.21, 115.25, 115.34 and 115.35 To Delete All References to “Nonintoxicating Beer” Therein and Further Amending Section 115.25 as it Relates to the Classification and Fee Schedule for Liquor Licenses (*Sponsor: Michael Klinghammer*)

Bill 10492

An Ordinance Amending Section 156.107 of the Code of Ordinances Pertaining to Parking & Storage of Boats, Trailers, Camper Shells and Recreational Vehicles on Residential Property and City Streets Relative to Parking Surfaces (*Sponsors: Ron Stivison and Bridget Ohmes*)

Bill 10493

An Ordinance Amending Section 156.115 of the Code of Ordinances to Require Surfaces Used for the Parking of Motor Vehicles to be Connected to a Street or Alley by a Paved Driveway (*Sponsor: Ron Stivison*)

Bill 10494

An Ordinance Amending Section 156.742 of the Code of Ordinances Pertaining to Standards for Location and Spacing, Area and Height Relative to the Maximum Height of Billboards (*Sponsor: Laurie Feldman*)

Bill 10495

An Ordinance Amending Section 156.765 of the Code of Ordinances Pertaining to Sign Regulations for SMPD, HDD, FHD, LMPD and EHD Superimposed Districts Relative to Pole Signs in the SMPD South Main Preservation District (*Sponsor: Tom Besselman*)

Bill 10496

An Ordinance Rezoning to Zoning District R-2 (Two-Family Residential District) from Zoning Districts R-1E (Single-Family Residential District), R-3A (Multiple Family Residential District), C-2 (General Business District) and C-3 (Highway Business District) 31.535 Acres of Land Generally Bordered by First Capitol Drive to the North, Boone Avenue to the East, and Wilmes Avenue to the South (Excluding the Properties Located at 2130 First Capitol Drive, 723 Spring Avenue and 1611 Wilmes Avenue) (*Sponsor: Tom Besselman*)

Bill 10497

An Ordinance Rezoning to Zoning District PD-MU (Planned Development Mixed Use District) From Zoning District R-2 (Two-Family Residential District), 31.535 Acres of Land Generally Bordered by First Capitol Drive to the North, Boone Avenue to the East, and Wilmes Avenue to the South, Excluding the Properties Located at 2130 First Capitol Drive, 723 Spring Avenue and 1611 Wilmes Avenue; Approving the Preliminary Development Plan of Lindenwood University Village in Connection Therewith; and Authorizing a Planned Development Agreement (*Sponsor: Tom Besselman*)

Bill 10498

An Ordinance Repealing Ordinance No. 06-124 Which Prohibited Parking on a Portion of Hawk Drive and Establishing a New Parking Restriction on a Portion of the North Side of Hawk Drive (*Sponsors: Michael Klinghammer, Bridget Ohmes, Jerry Reese and Ron Stivison*)

9. ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

10. CONSENT AGENDA

- A. Approval of Council Minutes
 - 1. Regular Council Meeting of March 29, 2011
 - 2. Public Hearing of March 29, 2011
 - 3. Special Council Meeting of April 12, 2011
 - 4. Public Hearing of April 12, 2011
 - 5. Regular Council Meeting of April 19, 2011
- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session of April 12, 2011
 - b. Street Committee Meeting of April 12, 2011
 - 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session of April 12, 2011
 - i. Motion to approve the request to fill the Full-time Engineer II and Part-time Administrative Support vacant position; and to approve the request to fill the Full-time Administrative Support I and Full-time Fleet Maintenance Supervisor positions
 - ii. Motion to hold filling the vacant position in Community Development pending receipt of the Revenue Report by the City Council
 - iii. Motion to hold filling the two (2) vacant police officer positions pending receipt of the Revenue Report by the City Council. (motion failed)
 - iv. Motion to approve the request of hiring of two (2) police officers positions as outlined in the report provided by staff. (motion failed)
 - v. Direction to present the request to fill the two (2) vacant police officer positions to Council for future consideration after receipt of the Revenue Report by the City Council
 - vi. Motion to approve the request to fill the Full-time Administrative Support IV position; and continue staffing pattern with the temporary Human Resource Generalist until January 31, 2012
 - b. Street Committee Meeting of April 12, 2011
 - i. Motion to create a handicap parking space in front of 3104 Hawk Drive and to keep the remaining space as no parking

- ii. Motion to approve the Annual Crack Sealing, Saphalt Overlay and Concrete Slab replacement program as submitted by staff
- iii. Motion to accept the City's Street Sign Replacement Program proposal

C. Receipt of Reports from Boards, Commissions or Committees

- 1. Convention Center Oversight Subcommittee Meeting of January 24, 2011
 - a. Motion to approve the rollover of three 2010 Capital Budget items to the 2011 Capital Budget as presented
 - b. Motion to approve the 2011 Capital Budget as presented
- 2. Board of Adjustment Meeting of April 11, 2011
- 3. St. Charles Parks and Recreation Board Meeting of February 9, 2011
- 4. Fair Housing Commission Subcommittee Meeting of March 29, 2011
- 5. Fair Housing Commission Meeting of January 27, 2011
 - a. Motion to approve the selection of Equal Housing Opportunity Council to conduct the 2011 Update to the Analysis of Impediments
- 6. Strategic Plan Implementation Committee Meeting of March 24, 2011
- 7. Strategic Plan Implementation Committee Meeting of February 24, 2011
- 8. Board of Public Works Meeting of March 10, 2011
 - a. Motion to recommend approval of the Easement Encroachment License at 3830 West Clay
 - b. Motion to recommend approval of the Easement Encroachment License for the Oak Parc Subdivision
 - c. Motion to recommend approval of Change Order No. 1 of the contract with Goodwin Brothers Construction for the Missouri River Wastewater Treatment Facility Upgrades

D. Receipt of Reports of the Director of Administration

- 1. Request for Authorization to Allow an Approval to Fill a Vacant Position to Extend Ninety Days beyond the Day the Position is Filled
- 2. Request for Authorization to Fill One (1) Vacant Position in Community Development
- 3. Request to Fill Two (2) Vacant Police Officer Positions in Police Department
- 4. Request for Authorization to Fill One (1) Vacant Position in Mayor's Office
- 5. Request to Fill One (1) Vacant Lead Communication Specialist Position in Police Department
- 6. Recommendation from the Board of Public Works Relative to Alternative for the Design of Cole Creek Stream Stabilization (Droste to Ruth) Project

E. Approval of Contracts and Easements from \$30,001 - \$99,999

- 1. Contract Amendment with Brown, Smith & Wallace LLC for Professional Accounting Services in the Amount of \$71,000.00; Total Contract Amount \$99,000
- 2. Changer Order #1 to Contract with Anthony Patterson d/b/a Patterson

Construction for Concrete Pavement Repairs in the Amount of
\$25,000.00; Total Contract Amount \$55,000.00

F. Preliminary Plats
None

G. Miscellaneous

1. Approve an Amendment to a Regional Commercial Use Overlay for the St. Charles Convention Center/Embassy Suites Located at 2 Convention Center Plaza (*referred from the March 29, 2011, Regular City Council Meeting*)
2. Liquor License Application for Yan Chen, d/b/a: Sushi Ai, located at 2009 Zumbahl Road
3. Receipt of the March Investment Report

11. ITEMS REMOVED FROM CONSENT AGENDA

12. REPORT OF THE MAYOR

A. Written and/or Verbal Messages from the Mayor

13. ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

- A. Update from Council Liaisons on Board/Commission/Committee
B. Written and/or Verbal Messages from the Councilmembers

14. EMERGENCY ORDINANCES

15. TABLED BILLS/PUBLIC HEARINGS

Bill 10398

An Ordinance Repealing Administrative Regulation 2.3.3, Version 4; Approving Administrative Regulation 2.3.3, Version 5, Regarding Medical, Dental and Vision Benefits for Employees with Certain Minimum Years of Service who Start City Employment Before January 1, 2011; Establishing a Range of Benefits for Non-Medicare Eligible Retirees Based on the Retiree's Years of Service Ranging from \$400/Month for a Retiree with Twenty (20) Years of Service to \$450/Month for a Retiree with Thirty (30) or More Years of Service; Establishing a Benefit for a Retiree's Non-Medicare Eligible Spouse of \$230/Month Before Retiree is Medicare Eligible and \$200/Month After the Retiree is Medicare Eligible; Establishing That, Upon Becoming Medicare Eligible, Those Employees Retiring Before February 2, 2012 Shall Receive Up To \$125/Month To Defray Cost of Purchasing a Medicare Supplement; and Establishing an Effective Date For Version 5 of Administrative Regulation 2.3.3 (*Sponsor: Michael Klinghammer and Dave Beckering*) (*Tabled on March 1, 2011 to the Regular Council Meeting Scheduled for May 17, 2011*)

16. APPROVAL OF CLOSED MINUTES

- A. Technology Committee of January 19, 2010, relative to sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12), and records that identify the configuration of components or the operation of a computer, computer system, computer network, or

- telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body (RSMo 610.021.20)
- B. Fire Station Design Team Committee of July 27, 2010, relative to leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2)
 - C. City Facility Task Force of September 7, 2010, relative to leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2)
 - D. Technology Committee of September 27, 2010, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12); and records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body (RSMo 610.021.20)
 - E. Council Work Session of October 12, 2010, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
 - F. Regular Council Meeting of October 19, 2010, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
 - G. Regular Council Meeting of December 21, 2010, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
 - H. Council Work Session of January 25, 2011, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); and confidential or privileged communications between a public governmental body and its auditor (RSMo 610.021.17)
 - I. Council Special Session of February 22, 2011, relative to leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2)

- J. Regular Council Meeting of March 1, 2011, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2)

17. CLOSED SESSION, if requested, relative to:

- A. Legal actions, causes of action, or litigation (RSMo 610.021.1)
- B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2)
- C. Hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
- D. Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
- E. Sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

THE CITY OF ST. CHARLES OFFERS ALL INTERESTED CITIZENS THE OPPORTUNITY TO ATTEND PUBLIC MEETINGS AND COMMENT ON PUBLIC MATTERS. IF YOU WISH TO ATTEND THIS PUBLIC MEETING AND REQUIRE AN ACCOMODATION DUE TO A DISABILITY, PLEASE CONTACT THE OFFICE OF THE CITY CLERK TO COORDINATE AN ACCOMODATION AT LEAST TWO (2) BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEETING AT 636-949-3282 OR 636-949-3289 (TTY – FOR THE HEARING IMPAIRED).

Posted: Friday, April 29, 2011 – 5:00 p.m.